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8 *Attorneys for Plaintiffs*

9 UNITED STATES BANKRUPTCY COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 [MODESTO DIVISION]

12 In re:

13 **NATHAN BENJAMIN DAMIGO,**

14 Debtor.

15 Chapter Number: 7

Case No. 19-90003-E-7

STATUS REPORT

16 **ELIZABETH SINES, SETH**
17 **WISPELWEY, MARISSA BLAIR,**
18 **TYLER MAGILL, APRIL MUNIZ,**
19 **HANNAH PEARCE, MARCUS**
20 **MARTIN, NATALIE ROMERO,**
21 **JOHN DOE, AND CHELSEA**
22 **ALVARADO,**

23 Plaintiffs,

24 v.

25 **NATHAN BENJAMIN DAMIGO,**

26 Defendant.

Adv. Pro. No. 19-09006-E

STATUS CONFERENCE

Date: June 30, 2022

Time: 2:00 p.m.

Dept.: E

STATUS REPORT

Elizabeth Sines, Seth Wispelwey, Marissa Blair, Tyler Magill, April Muniz, Hannah Pearce, Marcus Martin, Natalie Romero, John Doe, and Chelsea Alvarado (the “**Plaintiffs**”) respectfully submit this Status Report pursuant to the Court’s January 12, 2022 Order Continuing Status Conference (the “**Continuance Order**”) (Dkt. No. 36), which set a status conference for June 30, 2022, and required the parties to file a joint or separate updated status report on or before June 15, 2022.

Pursuant to the Complaint (the “**Complaint**”) filed commencing this adversary proceeding (the “**Adversary Proceeding**”), Plaintiffs seek a determination that the amount(s) of the damages arising from numerous claims asserted in Plaintiffs’ lawsuit against Nathan Damigo (the “**Defendant-Debtor**”) in the United States District Court for the Western District of Virginia (the “**Virginia District Court**”), Case No. 3:17-cv-00072-NKM (the “**Charlottesville Action**”) are non-dischargeable pursuant to section 523(a)(6) of Title 11 of the United States Code. On February 18, 2019, this Court entered an order (the “**Stay Order**”), staying all proceedings in this Adversary Proceeding, and extending the Defendant’s time to respond to the Complaint, pending further order of the Court.

The Virginia District Court trial commenced on October 25, 2021. A jury verdict in the Charlottesville Action was reached as to certain causes of action and defendants, including the Defendant-Debtor, on November 23, 2021. Specifically, the jury verdict found the Defendant-Debtor liable to Plaintiffs for Virginia state law civil conspiracy and awarded compensatory and punitive damages of approximately \$500,000. The jury did not reach a verdict on certain federal causes of action.

Since the time the Court entered the Continuance Order, post-trial motions have been filed but have not yet been fully briefed or considered by the Virginia District Court. Accordingly, no judgment has yet been entered in the Charlottesville Action. Given the foregoing, the Plaintiffs respectfully request that the Court continue the Status Conference until early October 2022, by which time the parties should have more information on the status and/or outcome of the Charlottesville Action, including post-trial motions and any appeals.

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Dated: June 6, 2022

Respectfully submitted,

COOLEY LLP

By: /s/ Robert L. Eisenbach III
Robert L. Eisenbach III

Attorneys for Plaintiffs

PROOF OF SERVICE
(FRCP 5)

I am over the age of eighteen years, and not a party to the action. My business address is Cooley LLP, 3 Embarcadero Center, 20th Floor, San Francisco, California 94111. On the date set forth below I served the documents described below on the following parties in this action in the manner described below at the direction of a member of the bar of this Court:

• **STATUS REPORT**



(BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Francisco, California.

Nathan Benjamin Damigo
14773 Orange Blossom Rd
Oakdale, CA 95361
(Debtor)
PRO SE



(BY CM/ECF NOTICE OF ELECTRONIC FILING) I caused said document(s) to be served by means of this Court's electronic transmission of the Notice of Electronic Filing through the Court's transmission facilities, to the parties and/or counsel who are registered CM/ECF Users set forth in the service list obtained from this Court.

Gary Farrar
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(Trustee)

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(U.S. Trustee)

Executed on June 6, 2022.

Mollie Canby

Mollie Canby